



Written by [Bob Adelman](#) on January 7, 2025

Chief Justice Roberts: Ignoring Bruen Undermines Rule of Law

Without mentioning his court's ruling in *Bruen* or its continued rebuffs of the Biden administration and its Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Supreme Court Chief Justice John Roberts called them out as threatening the rule of law.

In his [2024 Year End Report on the Federal Judiciary](#), Roberts declared:

The independent federal judiciary established in Article III [of the U.S. Constitution] and preserved for the past 235 years remains, in the words of my predecessor [William Rehnquist], one of the "crown jewels of our system of government."



AP Images
John Roberts

Separation of Powers and Judicial Review

One primary bulwark of the American Republic is the separation of powers. Another is the power of judicial review granted to the judicial branch of the federal government. To the degree that they are recognized and supported, to that degree will the government be limited to its proper role in protecting the rights of the citizens. To the extent that they are forgotten or undermined, to that extent will the federal government increasingly be used as a tool of tyrants seeking to expand their power over the people.

Roberts warned of the undermining of these principles by various but unnamed agencies and individuals. *The New American* is happy to name some of them.

The chief justice wrote that it "should be no surprise that judicial rulings can provoke strong and passionate reactions.... Those expressions of public sentiment ... are not threats to judicial independence." But present deliberate opposition to those judicial rulings by enemies of the Republic is. As Roberts noted:

Unfortunately, not all actors engage in "informed criticism" or anything remotely resembling it.

I feel compelled to address four areas of illegitimate activity that, in my view, do threaten the independence of judges on which the rule of law depends: (1) violence, (2) intimidation, (3) disinformation, and (4) threats to defy lawfully entered judgments.

He wrote that (4) is the most dangerous:



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The final threat to judicial independence is [the] defiance of judgments entered by courts of competent jurisdiction. ...

For the past several decades, the decisions of the courts, popular or not, have been followed, and the Nation has avoided the standoffs that plagued the 1950s and 1960s.

Within the past few years, however, elected officials from across the political spectrum have raised the specter of open disregard for federal court rulings.

These dangerous suggestions, however sporadic, must be soundly rejected.

ATF

In carrying out the Biden administration's desire to restrict Americans' firearm ownership, the ATF has ignored court rulings against it. As *The New American* noted in August:

The Biden administration determined to diminish and eventually extinguish the God-given right to self-defense guaranteed under the Second Amendment.

In January 2023, using the murder of 10 people at a grocery store in Boulder, Colorado, as cover, the administration ordered the ATF to declare that firearms fitted with braces (as was the firearm used by the shooter in Boulder) must be considered short-barreled rifles, and therefore be registered and regulated under the [National Firearms Act of 1934].

Plus, as we reported in April:

The agency ignored its own history, the Constitution, the Administrative Procedure Act, the Second Amendment, the quarter of a million Americans who protested against it during the "public comment" period, and the letter from the Senate Republican Caucus declaring that its enforcement "would turn millions of [otherwise] law-abiding Americans into criminals overnight, and would constitute the largest Executive branch-imposed gun registration and confiscation scheme in American history."

The ATF proceeded anyway. According to the National Rifle Association:

By a stroke of a pen [the agency] redefines "pistols" with stabilizing braces as short-barreled "rifles" subject to the onerous licensing and taxation requirements of the National Firearms Act of 1934.

The ATF tried again by banning so-called bump stocks. It declared that firearms fitted with them were now machine guns that must be taxed and registered under the National Firearms Act of 1934 and subject their owners to subjugation of their Fourth Amendment rights to be secure in their possessions. Again, the courts rebuffed the agency.

Anti-gun State Governments

After violating *Bruen*, New York state legislators were forced by the court to issue concealed-carry permits on a "shall issue," and not a "may issue," basis. But they wrote legislation turning the state into a virtual gun-free zone for anyone, including those who successfully obtained permission. New York Governor Kathy Hochul applauded the new law, declaring it was in response to the "dangerous"



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decision of *Bruen*.

Lawmakers in the Land of Lincoln banned “assault weapons” in response to *Bruen*. The 7th Circuit overruled a lower court’s decision that it violated *Bruen*. It ruled that the Second Amendment doesn’t apply to AR-15s, the most popular and widely owned semiautomatic firearm in the country. The court didn’t even consider *Bruen*’s demand that lower courts must now rule on the basis of historical analogues from the Founding Era to make such a ruling.

Judge William Kayatta

Appointed to his position on the 1st Circuit Court of Appeals by President Barack Obama in 2013, Judge William Kayatta ruled that Maryland’s ban on AR-15s was constitutional. From his ruling:

The justification for the law is a public safety concern comparable to the concerns justifying the historical regulation of gun powder storage and of weapons like sawed-off shotguns, Bowie knives, M-16s, and the like.

Ignoring the high court’s ruling in *Bruen*, Kayatta went on to say that “unprecedented societal concerns” demanded that he take a “more nuanced approach” than that demanded by *Bruen* in order to come to his conclusion.

As Justice Roberts noted, “defiance directed at judges because of their work undermine our Republic and [is] wholly unacceptable.”

Related articles:

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